IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 11558 of 2007(A)

PETITIONER:
----

1. V.VENU, AGED 38 YEARS,
S/O.VEERABHADHRAN, RESIDING AT VENUSADHANAM,
VEATTIPPURAM P.O., PATHANAMTHITTA.

2. SUDHA VENU, AGED 34 YEARS,
W/O.VENU, RESIDING AT VENUSADHANAM,
VEATTIPPURAM P.O., PATHANAMTHITTA.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS:
----

1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

2. SANTHOSH ABRAHAM, AGED 38 YEARS,
PUTHIYATH HOUSE, ANGADICKAL P.O., CHENGANOOR.

3. ABRAHAM VARGHESE, AGED ABOUT 60 YEARS,
S/O.VARGHESE, PUTHIYATH HOUSE, NOW RESIDING AT
PARAMBATHORE HOUSE, ANGADICKAL P.O., CHENGANOOR.

BY GOVT.PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.11558 of 2007

Dated this the 3rd day of April 2007

JUDGMENT

The petitioners have again come to this court seeking extension of time. They are spouses who face separate prosecutions under Section 138 of the Negotiable Instruments Act. The learned Chief Judicial Magistrate directed that both these cases must be disposed of by the learned Magistrate and fixed a time limit. The petitioner came before this court on two occasions and this court indulgently granted extension of time for disposal of the cases. As at the moment, the case must be disposed of by the learned Magistrate on or before 13/04/2007 in accordance with the directions issued by this court.

2. The petitioners have come to this court complaining that they did not get sufficient opportunity to adduce evidence. Because of the time crunch, the learned Magistrate is not willing to entertain their request for further time to adduce defence evidence. It is, in these circumstances, prayed that the outer time limit fixed for disposal may be further extended.

3. On the materials available, I do not find any reason to issue any further directions. However, I need only mention that the petitioners shall be at liberty to make their request before the learned Magistrate claiming further time to adduce defence evidence. The learned Magistrate must consider such request carefully. If sufficient reasons are shown justifying request for further time, the learned Magistrate must certainly consider the same and pass appropriate orders. The mere fact that the time limit has been fixed by this court will not justify failure of justice if really the petitioners are entitled for such further time. Between time limits prescribed and the dispensation of justice, any court will certainly have to prefer the latter and appropriate application for extension of time ought to be made by the learned Magistrate, if the request for extension of time is justified.

4. With the above observations, this writ petition is dismissed.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006